United Nations E/CN.5/2019/NGO/23

Economic and Social Council

Distr.: General
1 November 2018

Original: English

Commission for Social Development
Fifty-seventh session
11–21 February 2019
Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly
Priority Theme: Addressing inequalities and challenges to social inclusion through fiscal, wage and social protection policies

Statement submitted by Associação Brasileira dos Organizadores de Festivais de Folclore e Artes Populares, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

The Social Inclusion of People with Disabilities: Good Practices, in Practice

Even after the ratification of the Convention on the Rights of Persons with Disabilities, Brazil moves slowly towards the inclusion of disabled individuals in the society, be it in the labor market, access to education or daily urban furniture. The Federal Law 10,098 of 2000, establishes basic criteria and the promotion to the accessibility of people with disabilities or reduced mobility, but nowadays the barriers still exist, and there are no support measures designed as required by law.

Considering both long-term and short-term measures, the Brazilian Association of Folklore and Arts Festival Organizers, a non-profit non-governmental organization — which since 2017 participates as an advisory member of The Economic and Social Council (ECOSOC) of United Nations (UN) -has been working on some fundamental issues related to social and economic development emphasizing on social inclusion. One of these concerns a project to include the disabled people in the school environment.

In partnership with the Disability Rights Commission of the Brazilian Bar Association of the city of Santos, State of São Paulo, the Association decided to make a diagnosis of this issue by visiting private school units in that municipality to verify compliance with the federal law afore mentioned.

In order to carry out the study, other partnerships have been established, such as to the Local Public Prosecutor's Office — since this is the body responsible for defending democracy and unavailable rights — and to the Municipal Council for People with Disabilities, an independent body.

The project is part of a larger plan entitled "Good Practices, in Practice" which aims to establish, disclose and disseminate positive examples that come with social inclusion at its most diverse levels. Regarding this planning, the project has the following phases:

1st Phase of the Works: Meeting

In 2017, the Commission of Rights of the People with Disability of the OAB of Santos decided to give effect to the Convention of New York and the Brazilian Law of Inclusion 13,146 / 2016). There were developed actions such as lectures with lawyers, doctors and people with disabilities to help raise awareness and promote the equality of those who have some disability or reduced mobility.

Realizing that the new law was being little discussed, even in the Judiciary, it was decided to invite several authorities to an informal discussion. Judges, prosecutors, and lawyers attended to activities where they discussed the possibility of visiting schools to verify compliance with the law on social inclusion and getting people aware of such need.

Phase 2: Application of Questionnaires

After several meetings, it was concluded that it was necessary to send a questionnaire to the city's schools to verify compliance with the law and also to check if children and adolescents were, in fact, being included in that environment. The point was to find out whether enrollments were denied or whether the students were really being included in the environment because being enrolled does not mean that the student would indeed be included in the learning process properly.

It was necessary to know the real needs of the disabled person to understand the barriers encountered so that it could be eliminated. What was known, informally, was

that some enrollments were denied and that many students with disabilities continue to face difficulties in their learning due to the lack of an inclusive policy and were, therefore, discriminated there inside. We sent out 70 questionnaires to virtually every private school in the city.

Phase 3: Analysis of responses

Initially, some schools did not respond to the questionnaire, being necessary the material referral. Some units indicated that there were no students with disabilities enrolled, which surprised everyone. According to the Brazilian Institute of Geography and Statistics (IBGE), almost 25% of Brazilians have some disability.

Many institutions were mistaken in these answers, especially in the questions that involved the specialized educational service, the individualized educational plan, and the school support professional (that in the city of Santos was named Teacher Mediator).

The institutions were not aware of the obligation of this professional or even the meaning of that. All schools said they did not charge additional fees for students with disabilities or their caretakers, although informal complaints reached the committee. This concern existed, as such conduct characterizes crime.

Despite this, some institutions have said they allow parents to choose professionals outside the school framework, without, however, charging any additional value. Although the legislation does not make it clear, this would be a way to circumvent the law and get parents to argue with such expenses.

4th Phase: Visits to schools

Facing such difficulties, some members decided to verify the answers on the spot and to take advantage of it to guide the school administrators about the rights, the necessary adaptations, the humanized fulfillment of these duties, and of course, the responsibilities and possible punishments.

Composition

The visits had the following composition:

MEETING of approach with the board, school and legal staff with questions regarding the questionnaire;

CLARIFICATION of questions that may not have been understood;

AUDITING in the school's facilities and necessary notes of adjustments to be made;

OFFERING aid regarding the application of Federal Law 10,098 and how it can be applied in the institution to assure the rights of students with disabilities, according to the observance of the spatial and budgetary reality of each school;

REQUEST for a post-visit report based on the same questions, to update committee-guided changes and to set deadlines for implementation by schools.

Phase 5: Project Disclosure

There was a disclosure about the project in the media so that parents and students with disabilities who may wish to contribute with any information or even report abuse. Due to that, it was available a channel of contact, however, was rarely sought by the parents. In the link below, it is possible to check one of this news on the most significant news portal in the country: